

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMIE WELLS,

Plaintiff,

USDC No.
HON.

-VS-

KAMIL G. SEID and
FILLA TRUCKING, LLC,

Defendants.

JOSEPH J. CEGLAREK II (P56791) THE SAM BERNSTEIN LAW FIRM, PLLC Attorneys for Plaintiff 31731 Northwestern Highway, Suite 333 (248) 538-5131 / (248) 785-6008 jceglarek@sambernstein.com pferus@sambernstein.com	JOHN T. EADS, III (P43815) JULIANA B. SABATINI (P64367) LAUREN C. PENROD (P81958) GORDON REES SCULLY MANSUKHANI Attorneys For Defendants 400 Renaissance Center, Suite 2600 Detroit, MI 48243 (313) 426-9815 lpennrod@grsm.com
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NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

NOW COME Defendants, Kamil G. Seid and Filla Trucking, LLC, and pursuant to **28 U.S.C. §1332, 28 U.S.C. §1441(a) and (b)**, hereby removes to this Court the state action described herein.

1. On, or about, May 10, 2021, a civil action was filed in the Ionia County Circuit Court styled Jamie Wells v. Kamil G. Seid and Filla Trucking, LLC, case number 21-34328-NI (hereinafter the "State Court action"). A copy of

the Statement of Claim, otherwise known as the Plaintiff's Complaint, is attached hereto and incorporated herein as ***Exhibit A***.

2. Defendant Filla Trucking, LLC received the Complaint on, or about, June 23, 2021.

3. Responsive pleadings were filed on behalf of Defendant Filla Trucking, LLC in the Ionia County Circuit Court on July 23, 2021. ***Exhibit B***.

4. On, or about, August 9, 2021, an Order Regarding Alternative Service for Defendant Kamil G. Seid was entered with the Ionia County Circuit Court. ***Exhibit C***.

5. Defendant Kamil G. Seid received the Complaint on, or about, September 14, 2021 via certified mail.

6. Defendant Kamil G. Seid received the Complaint on, or about, September 20, 2021 via certified mail, care of National Transportation Adjusters.

7. Defendant Kamil G. Seid received the Complaint on, or about, October 28, 2021 via posting.

8. Responsive pleadings were filed on behalf of Defendant Kamil G. Seid in the Ionia County Circuit Court on October 14, 2021. ***Exhibit D***.

9. The State Court action brought by Plaintiff is wholly of a civil nature over which the United States District Court, Western District of Michigan has original jurisdiction pursuant to **28 U.S.C. §1332**. Said action is one that may be

removed by Defendants pursuant to **28 U.S.C. §1441(a)** and **(b)**, as there is diversity of citizenship.

10. This case is a civil action over which this court has diversity jurisdiction, pursuant to **28 U.S.C. §1332**. Specifically, the incident which gives rise to Plaintiff's cause of action occurred in the County of Ionia, State of Michigan. Plaintiff is a resident/citizen of the State of Michigan. *Exhibit A* at ¶1. Defendant Filla Trucking, LLC is a foreign limited liability corporation, incorporated in Houston, Texas, but conducts business in the Township of Sebewa, County of Ionia, State of Michigan. *Exhibit A* at ¶4.

11. Upon information and belief, Defendant Kamil G. Seid is a resident of the City of Atlanta, County of Fulton, State of Georgia. *Exhibit A* at ¶2.

12. This Court has diversity jurisdiction over this matter pursuant to **28 U.S.C. §1332** based upon complete diversity of citizenship and because the amount in controversy in this matter, computed on the basis of all claims to be determined in this suit, presumably exceeds the jurisdictional sum or value of \$75,000.00, exclusive of interest and costs. In support of this allegation, the Defendants submit the following facts and reasons:

- a. Plaintiff is seeking compensation for personal injuries allegedly sustained as a result of a motor vehicle accident on November 8, 2018.

- b. Consistent with state court practice, Plaintiff's Complaint does not specify the sum sought as damages.
- c. Plaintiff alleges to have sustained injuries including a traumatic brain injury resulting in headaches, cognitive deficits, vision disturbances, tinnitus, vestibular difficulties; post-traumatic stress disorder resulting in an exacerbation of pre-existing depression and anxiety; brain shear and two puncture wounds to the skull; shoulder internal derangement/dislocation; injuries to the head, neck, back, and spine and pain disfigurement and limitation and restriction of motion in said areas; pain, suffering, discomfort, disability, and extreme physical and emotional suffering; severe and continuing embarrassment, humiliation, anxiety, tension, and mortification; loss of enjoyment of life; and a serious impairment of body function and/or permanent serious disfigurement. ***Exhibit A*** at ¶17.
- d. In addition to non-economic damages, Plaintiff seeks economic damages for excess wage loss. ***Exhibit A*** at ¶17(k).
- e. If the above allegations are all proven to be true, the amount in controversy and the value of the claims sought by Plaintiff

exceeds the sum or value of \$75,000.00 exclusive of interest, costs and attorney fees.

13. A Notice of Filing Notice of Removal to Federal Court and a copy of this Notice of Removal of Civil Action have been filed with the 8th Circuit Court for the County of Ionia, State of Michigan, as required by **28 U.S.C. §1446(d)**, and copies of the same have been served upon all counsel as verified by the attached proof of service.

14. Based upon the foregoing, the parties are entitled to remove this action to this Court under **28 U.S.C. §1332 and 28 USC §1446(a) and (b)**.

15. This Notice of Removal is filed in compliance with Rule 11 of the Federal Rules of Civil Procedure.

16. Defendants reserves all defenses, including but not limited to, those under Rule 12(b) of the Federal Rules of Civil Procedure and do not waive said defenses by the filing of this Notice.

WHEREFORE, Defendants Kamil G. Seid and Filla Trucking, LLC, respectfully prays that the above-entitled action now pending against them in the Ionia County Circuit Court be hereby removed from the above-referenced State Court to the United States District Court for the Western District of Michigan.

Respectfully submitted,

GORDON REES SCULLY
MANSUKHANI

By: /s/ John T. Eads, III
JOHN T. EADS, III (P43815)
LAUREN C. PENROD (P81958)
GORDON REES SCULLY
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Attorneys for Defendants
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Dated: November 5, 2021

PROOF OF SERVICE

The undersigned certifies that on November 10, 2021, she served a copy of the foregoing document upon the attorneys of record of all parties to the above cause to their respective Email addresses listed in the Case Caption.

/s/ Gina M. Davidson